

60130-1294  
00MRA0564

# 7

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Simon Blair Dohson  
Serial No.: 10/020,869  
Filed: December 18, 2001 (December 12, 2001)  
Examiner: Unknown  
Group Art Unit: Unknown  
Title: VEHICLE DOOR

FAX RECEIVED

MAY 09 2002

PETITIONS OFFICE

**RENEWED PETITION UNDER RULE 1.10(c)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Decision Dismissing Petition dated April 30, 2002, Applicant resubmits this Petition to grant a filing date of December 12, 2001 to the above-referenced application.

Petitioner mailed a Petition under Rule 1.10(c) on January 3, 2002. The Decision in response to the Petition dated April 30, 2002 states that the Petitioner has included a copy of the tracking report printed from the USPS Internet Track & Confirm which shows that a mailing bearing Express Mail Label No. EL 747 232 810 US was "enroute" on December 12, 2001. The Response also states that the same Express Mail Label No. was found on the itemized transmittal sheet that accompanied the original papers. The Response states that the Petition lacked a showing required by 1.10(c)(3), and Petitioner must provide a true copy of the Express Mail Label showing the "date in" or a detailed explanation of the circumstances of why a true copy of the Express Mail Label cannot be produced.

Petitioner is unable to produce a copy of the Express Mail Label as Petitioner never received a copy from the United States Postal Service. The mailing bearing Express Mail Label No. EL 747 232 810 US was dropped in a drop box at the Birmingham, MI post office on December 12, 2001 at approximately 4:30 pm by Raimi Blackerby, an employee of Carlson, Gaskey & Olds, P.C., prior to the last scheduled pickup for that day. Karin Butchko called the Birmingham, MI post office on

60130-1294  
00MRA0564

December 20, 2001 regarding obtaining a copy of the Birmingham, MI post office's copy of the Express Mail Label and spoke to an employee named Bill. Bill stated that the Birmingham, MI post office did not have their copy of the Express Mail Label No. EL 747 232 810 US. Bill further stated that during busy times, such as the holidays, the Birmingham, MI post office does not enter the date in the "date in" box of the Express Mail Label receipt and does not return the Express Mail Label receipt to the sender, but rather transports the mailings from the drop box directly to Detroit Metro airport for processing with all copies of the unmarked label still attached. Bill stated that he believed that this occurred with the mailing bearing Express Mail Label No. EL 747 232 810 US as the Birmingham, MI post office also did not have a copy of the Express Mail Label receipt, and therefore it was likely that both the customer copy and the post office copy of the Express Mail Label receipt were still attached to the mailing unmarked during the shipment of the mailing. A declaration stating these facts signed by Karin Butchko is attached as Exhibit A.

Additionally, Petitioner attaches a copy of a USPS Track/Confirm Intranet document obtained from the Birmingham, MI Post Office on January 2, 2002 as Exhibit B. This document from the USPS also states that the mailing bearing Express Mail Label No. EL 747 232 810 US was "enroute" on December 12, 2001 at 7:18 pm.

Alternatively, Petitioner submits that this Renewed Petition should also be granted under Rule 1.10(d). The original Petition was filed promptly after Petitioner became aware that the USPTO had accorded a filing date based upon an incorrect entry by the USPS. Additionally, as stated in the Response to the Petition mailed on April 30, 2002, the number of the "Express Mail" mailing label was placed on the itemized transmittal sheet that accompanied the original papers. Finally, the Petition includes a showing which establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pick up for that day. This is shown by the USPS Internet Track & Confirm document submitted with the original Petition and the USPS Track/Confirm Intranet document submitted with the present Renewed Petition. Both of these documents show that the mailing bearing Express Mail Label No. EL 747 232 810 US was "enroute" on December 12, 2001. As the mailing bearing Express Mail Label No. EL 747 232 810 US was "enroute" on December 12, 2001,

60130-1294  
00MRA0564

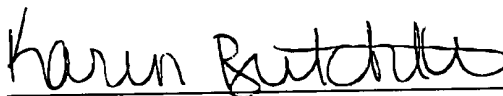
the mailing was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pick up of December 12, 2001.

Applicant requests that the Commissioner grant this Renewed Petition to grant a filing date of December 12, 2001 to the above mentioned application.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko  
Registration No. 45,864  
Attorneys for Applicant  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: May 9, 2002

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Renewed Petition under Rule 1.10(c) and accompanying documents are being faxed to the United States Patent and Trademark Office to (703) 308-6916 attention Douglas I. Wood on May 9, 2002.

\_\_\_\_\_  
Raimi Blackerby

N:\clients\merITOR\p01294\patent\Renewed Petition.doc

FAX RECEIVED

MAY 09 2002

**DECLARATION OF KARIN H. BUTCHKO**

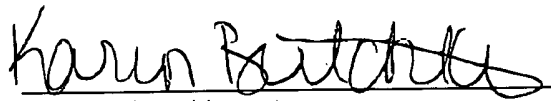
PETITIONS OFFICE

I, Karin H. Butchko, being warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or patent issuing thereon, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am a patent attorney at Carlson, Gaskey & Olds, P.C. located at 400 W. Maple Road, Suite 350, Birmingham, MI 48009.
2. Carlson, Gaskey & Olds, P.C. never received a copy of the Express Mail Label No. EL 747 232 810 US from the United States Postal Service.
3. The mailing bearing Express Mail Label No. EL 747 232 810 US was dropped in a drop box by Raimi Blackerby, an employee of Carlson, Gaskey & Olds, P.C., at the Birmingham, MI post office on December 12, 2001, at approximately 4:30 pm, prior to the last scheduled pickup for that day.
4. I called the Birmingham, MI post office on December 20, 2001 regarding obtaining a copy of the Birmingham, MI post office's copy of the Express Mail Label and spoke to an employee named Bill. Bill stated that during busy times, such as the holidays, the Birmingham, MI post office does not enter the date in the "date in" box of the Express Mail Label receipt and does not return the Express Mail Label receipt to the sender, but rather transports the mailings from the drop box directly to the Detroit Metro airport for processing with all copies of the unmarked label still attached.
5. Bill stated that he believed that this occurred with the mailing bearing Express Mail Label No. EL 747 232 810 US as the Birmingham, MI post office also did not have a copy of the Express Mail Label receipt, and therefore it was likely that both the customer copy and the post office copy of the Express Mail Label receipt were still attached to the mailing unmarked during the shipment of the mailing.

Date

5/9/02

  
Karin H. Butchko

**CARLSON, GASKEY & OLDS, P.C.**

FAX RECEIVED

**FACSIMILE COVER PAGE**

MAY 09 2002

PETITIONS OFFICE

<b>Date:</b> May 9, 2002	<b>Time:</b> 9:02 AM
<b>To:</b> Douglas I. Wood USPTO	<b>For Information Call:</b> Karin II. Butchko (248) 988-8360
<b>Fax Number:</b> 703-308-6916	<b>At:</b> Carlson, Gaskey & Olds
<b>From:</b> Karin H. Butchko	<b>Fax Number:</b> (248) 988-8363
<b>Pages (including cover page):</b> 6	<b>Client Billing Number:</b> 60130-1294 <b>Serial Number:</b> 10/020,869

400 West Maple, Suite 350  
Birmingham, MI 48009

Direct Query - Intranet - "Quick Search"

Page 1 of 1

**Track/Confirm - Intranet Item Inquiry - Domestic**

Item: EL74 7232 810U S

Destination	ZIP Code: 20231	City: WASHINGTON	State: DC
Origin	ZIP Code:	City:	State:

Class: Express Mail - PO to Addressee

Event	Date	Time	Location
NOTICE LEFT	12/15/2001	11:00	WASHINGTON DC 20231
<del>Request Date: 12/15/2001</del>			
ENROUTE	12/12/2001	19:18	DETROIT MI 48242

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐~~Explanation of Quick and Extensive Searches~~

Item Number:

Inquire on multiple items.Go to the Product Tracking System Home Page.**EXHIBIT "B"**